



Theravance

RECEIVED
CENTRAL FAX CENTER

MAR 22 2004

OFFICIAL

Facsimile Cover Sheet

To: Commissioner for Patents
U. S. Patent and Trademark Office
Mail Stop AF

Fax: (703) 872-9306

From: Joyce Cohen, Reg. No. 44,622
Company: Theravance, Inc.
Telephone: 650-808-6144
Fax: 650-808-6078
Date: March 22, 2004
of pages: 14 (including this page)

Re: Amendment After Final Rejection and Response Under 37 C.F.R. §1.116
U. S. Serial Number 09/456,429
Examiner: Mauric Garcia Baker Group Art Unit: 1639
Attorney Docket No.: P-015-RP1

Statement Attesting to Transmission of PTO Correspondence Under 37 C.F.R. 1.8(a)

Attached is a second copy of papers originally submitted on February 25, 2004, to the USPTO central facsimile number (703) 872-9306. A copy of the sending unit's report confirming transmission is also attached.

The original correspondence contained a Certificate of Transmission to the USPTO, and consisted of the following documents:

1. Amendment After Final Rejection and Response Under 37 C.F.R. §1.116 (10 pages)
2. Fee Transmittal for FY 2004 (1 page) and a duplicate copy

Date: Mar. 22, 2004 By: Joyce Cohen
Joyce Cohen, Reg. No. 44,622

Certificate of Facsimile Transmission

I hereby certify that this correspondence is being transmitted on the date shown below via facsimile to Mail Stop AF, Commissioner for Patents, United States Patent and Trademark Office at the facsimile number indicated below.

Date: MAR 22 2004 Facsimile Number: (703) 872-9306

By: Joyce Cohen
Joyce Cohen, Reg. No. 44,622

Notice of Confidentiality

The following transmittal contains confidential information intended exclusively for the above-named person. Use, copying, distribution or disclosure of information transmitted in error is strictly prohibited. Please call Theravance, Inc. at the above number if you have received this fax in error, and either destroy or return the enclosures to us.

PRIVILEGED AND CONFIDENTIAL

03/22/2004 16:05 FAX 650 808 6078
02/25/2004 15:37 FAX 650 808 6078

THERAVANCE PATENT
THERAVANCE PATENT

002
001

*** TX REPORT ***

TRANSMISSION OK

TX/RX NO	3005	
CONNECTION TEL		917038729306
CONNECTION ID		
ST. TIME	02/25 15:33	
USAGE T	04'41	
PGS. SENT	13	
RESULT	OK	



Theravance

Facsimile Cover Sheet

To:	Mail Stop AF Commissioner for Patents U. S. Patent and Trademark Office
Fax:	703-872-9306
From:	Joyce Cohen, Reg. No. 44,622 Patent Department Theravance, Inc.
Telephone:	650 808-6144
Fax:	650 808-6078
Date:	February 25, 2004
# of pages:	13 (including this page)

If there are any problems in receiving this transmission, please call Barbara Bryant at (650) 808-6404.

Re: Amendment After Final Rejection and Response Under 37 C. F. R. §1.116
U. S. Serial Number: 009/456,429
Examiner: Maurie Garcia Baker
Attorney Docket No.: P-015-RP1
Group Art Unit: 1639

This transmission contains the following papers:

1. Amendment After Final Rejection and Response Under 37 C. F. R. §1.116 (10 pages)
2. Fee Transmittal for FY 2004 (1 page) and a duplicate copy

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

U.S. Patent and Trademark Office: U.S. DEPARTMENT OF COMMERCE

Approved for use through 07/31/2006. OMB 0651-0032
unless it displays a valid OMB control number.

FEE TRANSMITTAL for FY 2004 <i>Effective 10/01/2003. Patent fees are subject to annual revision.</i>		Complete if Known	
		Application Number	09/456,429
		Filing Date	December 8, 1999
		First Named Inventor	Yu-Hua Ji
		Examiner Name	Maurie Garcia Baker
		Art Unit	1639
		Attorney Docket No.	P-015-RP1
<input checked="" type="checkbox"/> Applicant claims small entity status. See 37 CFR 1.27			
TOTAL AMOUNT OF PAYMENT (\$) 210			

METHOD OF PAYMENT (check all that apply) <input type="checkbox"/> Check <input type="checkbox"/> Credit card <input type="checkbox"/> Money Order <input type="checkbox"/> Other <input type="checkbox"/> None <input checked="" type="checkbox"/> Deposit Account Deposit Account Number: 50-0344 Deposit Account Name: Theravance, Inc. The Director is authorized to: (check all that apply) <input checked="" type="checkbox"/> Charge fee(s) indicated below <input checked="" type="checkbox"/> Credit any overpayments <input checked="" type="checkbox"/> Charge any additional fee(s) during the pendency of this application <input type="checkbox"/> Charge fee(s) indicated below, except for the filing fee to the above-identified deposit account.				FEE CALCULATION (continued) 3. ADDITIONAL FEES																																																																																																																																																																																													
1. BASIC FILING FEE				<table border="1"> <thead> <tr> <th>Large Entity</th> <th>Small Entity</th> <th>Fee Code</th> <th>Fee (\$)</th> <th>Fee Description</th> <th>Fee Paid</th> </tr> </thead> <tbody> <tr><td>1001</td><td>2001</td><td>770</td><td>385</td><td>Utility filing fee</td><td></td></tr> <tr><td>1002</td><td>2002</td><td>340</td><td>170</td><td>Design filing fee</td><td></td></tr> <tr><td>1003</td><td>2003</td><td>530</td><td>265</td><td>Plant filing fee</td><td></td></tr> <tr><td>1004</td><td>2004</td><td>770</td><td>385</td><td>Reissue filing fee</td><td></td></tr> <tr><td>1005</td><td>2005</td><td>160</td><td>80</td><td>Provisional filing fee</td><td></td></tr> <tr><td colspan="5">SUBTOTAL (1)</td><td>(\$0)</td></tr> </tbody> </table>				Large Entity	Small Entity	Fee Code	Fee (\$)	Fee Description	Fee Paid	1001	2001	770	385	Utility filing fee		1002	2002	340	170	Design filing fee		1003	2003	530	265	Plant filing fee		1004	2004	770	385	Reissue filing fee		1005	2005	160	80	Provisional filing fee		SUBTOTAL (1)					(\$0)																																																																																																																																																
Large Entity	Small Entity	Fee Code	Fee (\$)	Fee Description	Fee Paid																																																																																																																																																																																												
1001	2001	770	385	Utility filing fee																																																																																																																																																																																													
1002	2002	340	170	Design filing fee																																																																																																																																																																																													
1003	2003	530	265	Plant filing fee																																																																																																																																																																																													
1004	2004	770	385	Reissue filing fee																																																																																																																																																																																													
1005	2005	160	80	Provisional filing fee																																																																																																																																																																																													
SUBTOTAL (1)					(\$0)																																																																																																																																																																																												
2. EXTRA CLAIM FEES FOR UTILITY AND REISSUE				<table border="1"> <thead> <tr> <th>Large Entity</th> <th>Small Entity</th> <th>Fee Code</th> <th>Fee (\$)</th> <th>Fee Description</th> <th>Fee Paid</th> </tr> </thead> <tbody> <tr><td>1202</td><td>2202</td><td>18</td><td>9</td><td>Claims in excess of 20</td><td></td></tr> <tr><td>1201</td><td>2201</td><td>86</td><td>43</td><td>Independent claims in excess of 3</td><td></td></tr> <tr><td>1203</td><td>2203</td><td>290</td><td>145</td><td>Multiple dependent claim, if not paid</td><td></td></tr> <tr><td>1204</td><td>2204</td><td>86</td><td>43</td><td>** Reissue independent claims over original patent</td><td></td></tr> <tr><td>1205</td><td>2205</td><td>18</td><td>9</td><td>** Reissue claims in excess of 20 and over original patent</td><td></td></tr> <tr><td colspan="5">SUBTOTAL (2)</td><td>(\$0)</td></tr> </tbody> </table>				Large Entity	Small Entity	Fee Code	Fee (\$)	Fee Description	Fee Paid	1202	2202	18	9	Claims in excess of 20		1201	2201	86	43	Independent claims in excess of 3		1203	2203	290	145	Multiple dependent claim, if not paid		1204	2204	86	43	** Reissue independent claims over original patent		1205	2205	18	9	** Reissue claims in excess of 20 and over original patent		SUBTOTAL (2)					(\$0)																																																																																																																																																
Large Entity	Small Entity	Fee Code	Fee (\$)	Fee Description	Fee Paid																																																																																																																																																																																												
1202	2202	18	9	Claims in excess of 20																																																																																																																																																																																													
1201	2201	86	43	Independent claims in excess of 3																																																																																																																																																																																													
1203	2203	290	145	Multiple dependent claim, if not paid																																																																																																																																																																																													
1204	2204	86	43	** Reissue independent claims over original patent																																																																																																																																																																																													
1205	2205	18	9	** Reissue claims in excess of 20 and over original patent																																																																																																																																																																																													
SUBTOTAL (2)					(\$0)																																																																																																																																																																																												
Total Claims: 20 ** = 0 X Fee from below = 0 Independent Claims: 3 ** = 0 X Fee from below = 0 Multiple Dependent: X Fee from below = 0				<table border="1"> <tbody> <tr><td>1051</td><td>130</td><td>2051</td><td>65</td><td>Surcharge - late filing fee or oath</td><td></td></tr> <tr><td>1052</td><td>50</td><td>2052</td><td>25</td><td>Surcharge - late provisional filing fee or cover sheet</td><td></td></tr> <tr><td>1053</td><td>130</td><td>1053</td><td>130</td><td>Non-English specification</td><td></td></tr> <tr><td>1812</td><td>2,520</td><td>1812</td><td>2,520</td><td>For filing a request for reexamination</td><td></td></tr> <tr><td>1804</td><td>920*</td><td>1804</td><td>920*</td><td>Requesting publication of SIR prior to Examiner action</td><td></td></tr> <tr><td>1805</td><td>1,840*</td><td>1805</td><td>1,840*</td><td>Requesting publication of SIR after Examiner action</td><td></td></tr> <tr><td>1251</td><td>110</td><td>2251</td><td>55</td><td>Extension for reply within first month</td><td></td></tr> <tr><td>1252</td><td>420</td><td>2252</td><td>210</td><td>Extension for reply within second month</td><td>210</td></tr> <tr><td>1253</td><td>950</td><td>2253</td><td>475</td><td>Extension for reply within third month</td><td></td></tr> <tr><td>1254</td><td>1,480</td><td>2254</td><td>740</td><td>Extension for reply within fourth month</td><td></td></tr> <tr><td>1255</td><td>2,010</td><td>2255</td><td>1,005</td><td>Extension for reply within fifth month</td><td></td></tr> <tr><td>1401</td><td>330</td><td>2401</td><td>165</td><td>Notice of Appeal</td><td></td></tr> <tr><td>1402</td><td>330</td><td>2402</td><td>165</td><td>Filing a brief in support of an appeal</td><td></td></tr> <tr><td>1403</td><td>290</td><td>2403</td><td>145</td><td>Request for oral hearing</td><td></td></tr> <tr><td>1451</td><td>1,510</td><td>1451</td><td>1,510</td><td>Petition to institute a public use proceeding</td><td></td></tr> <tr><td>1452</td><td>110</td><td>2452</td><td>55</td><td>Petition to revive - unavoidable</td><td></td></tr> <tr><td>1453</td><td>1,330</td><td>2453</td><td>665</td><td>Petition to revive - unintentional</td><td></td></tr> <tr><td>1501</td><td>1,330</td><td>2501</td><td>665</td><td>Utility issue fee (or reissue)</td><td></td></tr> <tr><td>1602</td><td>480</td><td>2502</td><td>240</td><td>Design issue fee</td><td></td></tr> <tr><td>1503</td><td>640</td><td>2503</td><td>320</td><td>Plant issue fee</td><td></td></tr> <tr><td>1460</td><td>130</td><td>1460</td><td>130</td><td>Petitions to the Commissioner</td><td></td></tr> <tr><td>1807</td><td>50</td><td>1807</td><td>50</td><td>Processing fee under 37 CFR 1.17-(g)</td><td></td></tr> <tr><td>1808</td><td>180</td><td>1808</td><td>180</td><td>Submission of Information Disclosure Stmt</td><td></td></tr> <tr><td>8021</td><td>40</td><td>8021</td><td>40</td><td>Recording each patent assignment per property (times number of properties)</td><td></td></tr> <tr><td>1809</td><td>770</td><td>2809</td><td>385</td><td>Filing a submission after final rejection (37 CFR § 1.129(a))</td><td></td></tr> <tr><td>1810</td><td>770</td><td>2810</td><td>385</td><td>For each additional invention to be examined (37 CFR § 1.129(b))</td><td></td></tr> <tr><td>1801</td><td>770</td><td>2801</td><td>385</td><td>Request for Continued Examination (RCE)</td><td></td></tr> <tr><td>1802</td><td>900</td><td>1802</td><td>900</td><td>Request for expedited examination of a design application</td><td></td></tr> <tr><td colspan="5">Other fee (specify):</td><td></td></tr> <tr><td colspan="5">*Reduced by Basic Filing Fee Paid</td><td></td></tr> <tr><td colspan="5">SUBTOTAL (3)</td><td>(\$210)</td></tr> </tbody> </table>				1051	130	2051	65	Surcharge - late filing fee or oath		1052	50	2052	25	Surcharge - late provisional filing fee or cover sheet		1053	130	1053	130	Non-English specification		1812	2,520	1812	2,520	For filing a request for reexamination		1804	920*	1804	920*	Requesting publication of SIR prior to Examiner action		1805	1,840*	1805	1,840*	Requesting publication of SIR after Examiner action		1251	110	2251	55	Extension for reply within first month		1252	420	2252	210	Extension for reply within second month	210	1253	950	2253	475	Extension for reply within third month		1254	1,480	2254	740	Extension for reply within fourth month		1255	2,010	2255	1,005	Extension for reply within fifth month		1401	330	2401	165	Notice of Appeal		1402	330	2402	165	Filing a brief in support of an appeal		1403	290	2403	145	Request for oral hearing		1451	1,510	1451	1,510	Petition to institute a public use proceeding		1452	110	2452	55	Petition to revive - unavoidable		1453	1,330	2453	665	Petition to revive - unintentional		1501	1,330	2501	665	Utility issue fee (or reissue)		1602	480	2502	240	Design issue fee		1503	640	2503	320	Plant issue fee		1460	130	1460	130	Petitions to the Commissioner		1807	50	1807	50	Processing fee under 37 CFR 1.17-(g)		1808	180	1808	180	Submission of Information Disclosure Stmt		8021	40	8021	40	Recording each patent assignment per property (times number of properties)		1809	770	2809	385	Filing a submission after final rejection (37 CFR § 1.129(a))		1810	770	2810	385	For each additional invention to be examined (37 CFR § 1.129(b))		1801	770	2801	385	Request for Continued Examination (RCE)		1802	900	1802	900	Request for expedited examination of a design application		Other fee (specify):						*Reduced by Basic Filing Fee Paid						SUBTOTAL (3)					(\$210)
1051	130	2051	65	Surcharge - late filing fee or oath																																																																																																																																																																																													
1052	50	2052	25	Surcharge - late provisional filing fee or cover sheet																																																																																																																																																																																													
1053	130	1053	130	Non-English specification																																																																																																																																																																																													
1812	2,520	1812	2,520	For filing a request for reexamination																																																																																																																																																																																													
1804	920*	1804	920*	Requesting publication of SIR prior to Examiner action																																																																																																																																																																																													
1805	1,840*	1805	1,840*	Requesting publication of SIR after Examiner action																																																																																																																																																																																													
1251	110	2251	55	Extension for reply within first month																																																																																																																																																																																													
1252	420	2252	210	Extension for reply within second month	210																																																																																																																																																																																												
1253	950	2253	475	Extension for reply within third month																																																																																																																																																																																													
1254	1,480	2254	740	Extension for reply within fourth month																																																																																																																																																																																													
1255	2,010	2255	1,005	Extension for reply within fifth month																																																																																																																																																																																													
1401	330	2401	165	Notice of Appeal																																																																																																																																																																																													
1402	330	2402	165	Filing a brief in support of an appeal																																																																																																																																																																																													
1403	290	2403	145	Request for oral hearing																																																																																																																																																																																													
1451	1,510	1451	1,510	Petition to institute a public use proceeding																																																																																																																																																																																													
1452	110	2452	55	Petition to revive - unavoidable																																																																																																																																																																																													
1453	1,330	2453	665	Petition to revive - unintentional																																																																																																																																																																																													
1501	1,330	2501	665	Utility issue fee (or reissue)																																																																																																																																																																																													
1602	480	2502	240	Design issue fee																																																																																																																																																																																													
1503	640	2503	320	Plant issue fee																																																																																																																																																																																													
1460	130	1460	130	Petitions to the Commissioner																																																																																																																																																																																													
1807	50	1807	50	Processing fee under 37 CFR 1.17-(g)																																																																																																																																																																																													
1808	180	1808	180	Submission of Information Disclosure Stmt																																																																																																																																																																																													
8021	40	8021	40	Recording each patent assignment per property (times number of properties)																																																																																																																																																																																													
1809	770	2809	385	Filing a submission after final rejection (37 CFR § 1.129(a))																																																																																																																																																																																													
1810	770	2810	385	For each additional invention to be examined (37 CFR § 1.129(b))																																																																																																																																																																																													
1801	770	2801	385	Request for Continued Examination (RCE)																																																																																																																																																																																													
1802	900	1802	900	Request for expedited examination of a design application																																																																																																																																																																																													
Other fee (specify):																																																																																																																																																																																																	
*Reduced by Basic Filing Fee Paid																																																																																																																																																																																																	
SUBTOTAL (3)					(\$210)																																																																																																																																																																																												

SUBMITTED BY

Name (Print/Type)	Joyce Cohen	Registration No. (Attorney/Agent)	44,622	Telephone	(650) 808-6000
Signature	<i>Joyce Cohen</i>	Date	February 25, 2004		

WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.

This collection of information is required by 37 CFR 1.17 and 1.27. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing this form, call 1-800-PTO-9199 (1-800-786-9199) and select option 2.

RECEIVED
CENTRAL FAX CENTER

MAR 22 2004

OFFICIAL

Certificate of Facsimile Transmission

I hereby certify that this correspondence with attachments is being facsimile transmitted on the date indicated below addressed to: Mail Stop AF, TC 1600, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450. Fax Number: (703) 872-9306

Fax Number: (703) 872-9306

On: February 23, 2004 By: Barbara Bryant
Barbara Bryant

PATENT

Attorney's Docket No. P-015-RP1

Customer No. 27038

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of

Yu-Hua Ji et al.

Application No.: 09/456,429

Filed: December 8, 1999

**For: NOVEL CALCIUM CHANNEL
DRUGS AND USES**

Group Art Unit: 1639

Examiner: M. Garcia Baker

AMENDMENT AFTER FINAL REJECTION AND

RESPONSE UNDER 37 C.F.R. §1.116

Mail Stop AF
Commissioner for Patents
P. O. Box 1450
Alexandria, VA 22313-1450

Applicants respectfully submit the following amendments and remarks in response to the Final Office Action mailed on October 8, 2003, for which a three-month response period was designated.

A Fee Transmittal authorizing payment for a two-month extension of time is enclosed. Therefore, this response is considered timely filed on or before March 8, 2004.

Applicants have amended the claims to claim subject matter that the Examiner has indicated is allowable in order to place the application in condition for allowance.